

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PUBLIC SERVICES – Survey, Settlement & Land Records Department – Implementation of the orders of Andhra Pradesh Administrative Tribunal dated 12.4.2010 in O.A.No.7503, 7584 and 7909 of 2007 filed by certain Deputy Surveyors of Srikakulam District to issue orders similar to that of G.O.Ms.No.1761, Revenue (SS) Department, dated 5.10.2005 by extending the similar benefit – Orders – Issued.

REVENUE (SS) DEPARTMENT

G.O.Ms.No.1306.

Dated 21-10-2010

Read the following:

1. G.O.Ms.No.1761, Revenue (SS) Department, dated 5.10.2005
2. Orders of Andhra Pradesh Administrative Tribunal dated 12.4.2010 in O.A.No.7503/2007 filed by Sri T.Ganapathi Rao, Deputy Surveyor and (63) others; O.A.No.7584/2007 filed by Sri A.P.Srinivasa Rao, Deputy Surveyor and (5) others; and O.A.No.7909/2007 filed by Sri S.Ramu, Deputy Surveyor and another of Srikakulam District.
3. Government Memo.No.18735/SS.2/2010-1, dated 7.5.2010.
4. From the CSS&LR, A.P., Hyderabad Letter Rc.No.L2/10244/ 2007, dated 17.5.2010.

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ORDER:

In the reference 4th read above, the Commissioner of Survey, Settlements & Land Records, A.P., Hyderabad has stated that the then Assistant Director, Survey and Land Records, Srikakulam had appointed eighty (80) candidates as Deputy Surveyors in the District Maintenance Unit, Srikakulam on 01.07.1994 in excess of the cadre strength of Deputy Surveyors posts. Subsequently, they were terminated from service. Aggrieved by the said termination orders, the candidates have filed O.A.No.4168/95 batch cases in O.A.No.1556/97; 2179/97; and 2858/98 in the Hon'ble Andhra Pradesh Administrative Tribunal and the APAT in its orders dated 19.11.1997 and 27.11.1997 in O.A.Nos.1556/97; 2179/97 and in O.A.No.2858/98 directed that Government should formulate a scheme for regularizing the appointments of the applicants in the posts of Deputy Surveyors. The said Judgment of the Tribunal was upheld by the High Court on 6.7.2000 in W.P.Nos.10128/98 and 11889/98 and further, Honorable Supreme Court dismissed the SLPs filed by the Government on 17.11.2000 and that the Review Petition was also dismissed on 5.9.2001.

2. Therefore, Government formulated a Scheme applying the statutory scheme of regularization existing under Act 2 of 1994 in G.O.Ms.No.740, Revenue (SS) Dept., dated 06.12.2001. Accordingly, the Asst. Director, Survey & Land Records, Srikakulam issued orders to the applicants on 14.12.2001 and communicated to all the applicants concerned rejecting their cases for regularization. The petitioners again filed O.A.Nos.3298, 3565 and 8958 of 2002 challenging the G.O.Ms.No.740, Revenue (SS) Dept., dated 6.12.2001 and Memo No.81718/SS.2/97-32, dated 6.12.2001 and seeking direction to the respondents to regularize the appointments of the applicants as Deputy Surveyors. The Andhra Pradesh Administrative Tribunal in its Judgment dated 28.11.2002 in O.A.Nos.3298, 3565 and 8958/2002, while setting aside the orders issued by the Government in G.O.Ms.No.740, Revenue, dated 6.12.2001 directed to formulate a scheme for regularization of the appointments of the applicants in the posts of Deputy Surveyors in terms of the orders of the Tribunal in O.A.No.1556/97 dated 19.11.1997 and

O.A.No.2179/97, dated 27.11.1997 as upheld by the High Court of Andhra Pradesh in W.P.No.10128 and 11889/98 dated 6.7.2000 and also the Honorable Supreme Court. In the meanwhile, the individuals have filed (4) contempt cases Nos.1012/2003, 1021/2003, 989/2003 & 984/2003 for willful disobeying / disrespecting the directions of the Andhra Pradesh Administrative Tribunal. The Judgment of the Andhra Pradesh Administrative Tribunal, Hyderabad dated 28.11.2002 in O.A.Nos.3298, 3565 & 8958/2002 was further confirmed by the Honorable High Court on 13.4.2004 in W.P.Nos.4817, 4818, 4088 and 5000 of 2004 (Common Order).

3. Accordingly, Government have formulated a Scheme for regularization of the services of the petitioners and issued orders in G.O.Ms.No.1010, Revenue (SS) Dept., dated 8.12.2004 that the regularization of the persons temporarily appointed as Deputy Surveyors in Survey & Land Records Department in Srikakulam District i.e., petitioners in O.A.Nos.1556/97, 2179/97 & 2858/98 shall be against the available (11) vacancies and by creating (69) Supernumerary posts and that the residual posts for which supernumerary posts are created shall be adjusted against the future vacancies in Srikakulam District and their services shall be governed by the provisions of the Andhra Pradesh Survey & Land Records Service Rules, 2001.

4. Aggrieved by the above orders, Sri Chiranjeevulu Kumar Behara and Sri Muddu Krishna, Deputy Surveyors, Srikakulam District have filed C.A.No.405/2000 in O.A.No.2858/1998 with CMA.No.38/2005 and the Hon'ble Andhra Pradesh Administration Tribunal had directed that:

"It is made clear to the Government that the orders of the Tribunal are to the effect that the applicant's appointment date should be given the effect to with reference to the date on which their services were terminated and it cannot be any other later date. Keeping this observation of this Tribunal, made now, in view of the orders of this Tribunal in O.A.No.2858/98, the Government in Revenue Dept are directed to issue orders".

5. Therefore, in the G.O. first read above, Government have ordered to assign the date of appointment with effect from the date on which their services were terminated in respect of Sri Chiranjeevulu Kumar Behara and Sri S.Muddu Krishna Deputy Directors (terminated) of Mandal Revenue Office, Palasa, Srikakulam District in order to implement the directions of the Hon'ble Andhra Pradesh Administration Tribunal dated 28.3.2005 in C.A.No.405/2000 in O.A.No.2858/98 with C.M.A.No.38/2005 in true spirit and to treat the said two individuals on different footing and not to equate them along with others.

6. In its order 2nd read above, the Hon'ble Andhra Pradesh Administrative Tribunal has directed the Government (1st respondent) to issue G.O. similar to that of G.O.Ms.No.1761, Revenue (SS) Dept., dated 5.10.2006, in favour of applicants viz., Sri T.Ganapathi Rao, Deputy Surveyor and (63) others in O.A.No.7503/2007; Sri A.P.Srinivasa Rao, Deputy Surveyor and (5) others in O.A.No.7584/2007; and Sri S.Ramu, Deputy Surveyor and another in O.A.No.7909/2007 of Srikakulam District, extending the similar benefit which was conferred on the individuals in the said G.O., within three months from the date of receipt of the order.

7. Government, after careful examination of the matter, hereby decide to implement the orders of Hon'ble Andhra Pradesh Administration Tribunal dated 12.4.2010 in O.A.No.7503/2007; O.A.No.7584/2007; and O.A.No.7909/2007, and to issue orders similar to that of G.O. 1st read above, extending the similar benefit which was conferred on the individuals viz., Sri Chiranjeevulu Kumar Behara and Sri

S.Muddu Krishna, Deputy Surveyors of Srikakulam District in the G.O. 1st read above, i.e., assigning the date with effect from the date on which their services were terminated.

8. Accordingly, Government hereby order that the date of appointment in respect of the applicants in O.A.No.7503/2007 filed by Sri T.Ganapathi Rao, Deputy Surveyor and (63) others; O.A.No.7584/2007 filed by Sri A.P.Srinivasa Rao, Deputy Surveyor and (5) others; and O.A.No.7909/2007 filed by Sri S.Ramu, Deputy Surveyor and another, be assigned the date with effect from the date on which their services were terminated.

9. The Commissioner of Survey, Settlements & Land Records, A.P., Hyderabad shall take further action in the matter accordingly.

10. This order issues with the concurrence of Finance (SMPC) Department vide their U.O.No.21116/753/A3/SMPC/10, dated 2.9.2010.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ANIL CHANDRA PUNETHA
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Commissioner of Survey, Settlements & Land Records,
A.P., Hyderabad

Copy to:

The District Collector, Srikakulam
The District Treasury Officer, Srikakulam
The Government Pleader for Revenue (S), APAT, Hyderabad
The Law Department / Finance (SMPC) Department
The Accountant General, A.P., Hyderabad
Sf/Sc

// FORWARDED BY ORDER //

SECTION OFFICER